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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BYRNA TECHNOLOGIES, INC., a Delaware corporation,

Plaintiff,

vs.

DUKE DEFENSE USA, INC., a Delaware corporation; BOUGIEFIT, LLC, a Nevada limited liability company; ZYN APPAREL, a Delaware limited liability company; REILLY SCHUELER, an individual; BENJAMIN M. FLAM; an individual; JONATHAN COBB SANDERS, an individual; RANDALL CLIFTON, an individual; DENI STRAHL, an individual; BRAD THOMAS, an individual; APRIL WOODWARD, an individual; and TYLER AKIN, an individual,

Defendants.

Case No.: 2:21-cv-01559-APG-NJK

**STIPULATION AND ORDER EXTENDING THE:**

- (1) TEMPORARY RESTRAINING ORDER AS TO DEFENDANT FLAM; AND**
- (2) TIME FOR DEFENDANT FLAM TO RESPOND TO ECF NO. 14**

**(FOURTH REQUEST)**

1 Plaintiff Byrna Technologies, Inc. (“Byrna” or “Plaintiff”), by and through its undersigned  
2 counsel, and Defendant Benjamin M. Flam, *pro se*, hereby stipulate and agree as follows:

3 1. Plaintiff filed a Complaint and Request for Injunctive Relief (ECF No. 1) and a Motion  
4 for Temporary Restraining Order (ECF No. 6) on August 23, 2021.

5 2. Defendant Flam was personally served with the Summons, Complaint, Motion for  
6 Temporary Restraining Order, and Temporary Restraining Order on August 24, 2021. Plaintiff filed its  
7 Motion for Preliminary Injunction on August 24, 2021. ECF No. 14.

8 3. On August 30, 2021, Plaintiff and Defendant Flam stipulated to extend the time for  
9 Defendant Flam to file his responses to Plaintiff’s Complaint, and Plaintiff’s Motion for Preliminary  
10 Injunction to October 13, 2021. ECF No. 21.

11 4. Defendant Flam filed a Motion to Dismiss in response to Plaintiff’s Complaint on  
12 September 28, 2021. ECF No. 29.

13 5. On October 12, 2021, Plaintiff and Defendant Flam notified the Court that they are  
14 currently engaged in discussions which may resolve Plaintiff’s claims against Defendant Flam, and  
15 required additional time to determine whether they will be able to reach agreement. Plaintiff and  
16 Defendant Flam stipulated to extend the time for Defendant Flam to file his response to Plaintiff’s  
17 Motion for Preliminary Injunction to October 20, 2021 and that Plaintiff would have until October 27,  
18 2021 to file its Reply in support of its Motion for Preliminary Injunction. ECF No. 41 (“Second  
19 Stipulation”).

20 6. On October 18, 2021, Plaintiff and Defendant Flam notified the Court that they were  
21 still engaged in settlement discussions and needed additional time to complete those efforts. Plaintiff  
22 and Defendant Flam stipulated to extend the time for Defendant Flam to file his response to Plaintiff’s  
23 Motion for Preliminary Injunction to October 29, 2021 and that Plaintiff would have until November 5,  
24 2021 to file its Reply in support of its Motion for Preliminary Injunction. ECF No. 41 (“Third  
25 Stipulation”). The Court granted the Parties’ Third Stipulation on October 19, 2021.

26 7. Plaintiff’s and Defendant Flam’s discussions regarding a potential resolution that may  
27 resolve Plaintiff’s claims against Defendant Flam have continued to be productive, but require additional  
28 time to determine whether they will be able to reach a final agreement.

8. Therefore, to conserve the parties' respective resources, Plaintiff and Defendant Flam agree that Defendant Flam shall have an extension of time until November 5, 2021 to respond to Plaintiff's Motion for Preliminary Injunction. Plaintiff and Defendant Flam further agree that Plaintiff shall have until November 12, 2021 to file its Reply in support of its Motion for Preliminary Injunction.

9. Plaintiff and Defendant Flam further agree that the Temporary Restraining Order, including any amendment or supplement thereof by the Court, shall be binding upon and remain in full force and effect as to Defendant Flam, pursuant to Fed. R. Civ. P. 65(b)(2), until such time as the Court rules on Plaintiff's Motion for Preliminary Injunction as it pertains to Defendant Flam.

10. Neither this Stipulation nor the extensions provided herein shall effect the Court's ability to rule upon or grant the relief requested in Plaintiff's Motion for Preliminary Injunction as it pertains to other parties. Further, nothing in this Stipulation shall be construed as effecting the validity or effectiveness of the Preliminary Injunction as to other parties.

DATED this 29<sup>th</sup> day of October, 2021.

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*Defendant Pro Se*

### **ORDER**

IT IS SO ORDERED.

  
United States District Court Judge

Dated: November 1, 2021